IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B. SUDERSHAN REDDY

-

WRIT PETITION NO : 12644 of 1994

Between:

Baratam Chandra Sekhara Rao S/o. Rajapa
Jalumuru-II, Jalumuru Village & Post, Jalumuru Mandal,
SRIKAKULAM DISTRICT.

..... PETITIONER

AND

1 The District Collector, Srikakulam, Srikakulam District.
2 The Revenue Divisional Officer Tekkali, Srikakulam District.
3 The Mandal Revenue Officer, Jalumuru, Srikakulam District.

..RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction more particularly in the nature of Writ of Mandamus by calling for the records relating to and connected with proceedings RC.NO.10327/92C dated 23-6-94 and declare them as illegal, arbitrary unconstitutional consequently declare that the Writ Petitioner is entitled to be continued as a Fair Price Shop Dealer of Jalumuru II Village in Jalumuru Mandal of Srikakulam District and further directs the respondents not to interfere with the day to day affairs of the writ petitioner as a Fair Price Shop Dealer and pass

Counsel for the Petitioner: MR.PRATAP NARAYAN SANGHI

Counsel for the Respondents.: GP FOR CIVIL SUPPLIES

The Court made the following :

Oral Order:

Pursuant to the notification issued by the respondents calling for applications for appointment as Fair Price Shop Dealer for
Jalamuru-II mandal, the petitioner submitted his application along with 11 other candidates and the respondents after due consideration of all the applications, appointed the petitioner herein as fair price shop dealer for Jalamuru-II village vide proceedings Rc.No.10327/93B dated 12.4.1993. Admittedly, the petitioner is a physically handicapped person. That after his selection, he was issued with the authorization for the period during 12.4.1993 to 31.3.1994.

While the matters stood thus, the respondents issued notification vide proceedings dated 23.6.1994 calling for applications from the eligible women candidates for appointment as fair price shop dealer of Jalamuru-II village. It is that notification which is challenged in this writ petition.

The contention of the petitioner is that the authorization granted to him for running the fair price shop was valid till 31.3.1996 and even before the expiration of the licence period, the respondents could not have issued the notification proposing to

fill up the vacancy on permanent basis. It is also contended that calling for applications for appointment of fair price shop dealer exclusively from the women candidates would amount to making 100% reservation in favour of women more particularly when the vacancy to be filled is only 1.

It is required to notice that the petitioner has been selected though as a temporary dealer for a period of one year after following the regular procedure. The petitioner was selected on merit amongst 12 candidates who submitted their applications for appointment as a fair price shop dealer. This Court while admitting the writ petition, granted interim order suspending the impugned notification dated 23.6.1994 and the same continues to be in operation ever since, that is to say, for a period of more than 10 years. In the circumstances, it may not be prudent at this point of time to displace the petitioner who is a physically handicapped person. Obviously, the respondents cannot proceed and make any selection and appointment pursuant to the impugned notification dated 23.6.1994.

In the circumstances, this writ petition is disposed of directing the 1st respondent – District Collector to take an appropriate decision as to whether the situation even as on today so warrants for issuing any fresh notification for appointment of fair price shop dealer on permanent basis in respect of the shop in question. That until such a decision is taken, the petitioner shall not be disturbed and he is entitled to continue as the authorized fair price shop dealer.

The writ petition is accordingly disposed of. No costs.

28..10..2004

msv.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Collector, Srikakulam, Srikakulam District.
2 The Revenue Divisional Officer Tekkali, Srikakulam District.
3 The Mandal Revenue Officer, Jalumuru, Srikakulam District.

4. 2CCs to GP for Civil Supplies, High Court of A.P. Hyderabad.(OUT)

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